

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ROBERT CUCINOTTA,
Plaintiff,

v.

RHODE ISLAND LABORERS' PENSION
FUND, LOCAL UNION 271, VALERIE
CAMPANA, and DONALD LAVIN,
Fund Administrators,
Defendants.

C.A. No. 13-714-M

ORDER

Defendants Rhode Island Laborers' Pension Fund, Local Union 271 ("Fund"), and Valerie Campana and Donald Lavin, fund administrators, have filed a Second Motion for Summary Judgment (ECF No. 16) in a case filed against them by Plaintiff, Mr. Robert Cucinotta, a Fund participant. In response to the first Motion for Summary Judgment (ECF No. 9) this Court issued an order denying the motion without prejudice and ordered the parties into mediation. (ECF No. 15.) The mediation was unsuccessful and now the parties are again before this Court.

According to his complaint, Mr. Cucinotta's singular prayer for relief was "a complete and entire copy and full disclosure of the actual plan document which governs the pension, health and annuity funds." (ECF No. 1 at 2.)

Defendants argue that Mr. Cucinotta has indeed received all of the requested documents. (ECF No. 16-1) and submitted an affidavit to establish that fact. (ECF No. 16-2.)

Mr. Cucinotta's pension, health, and annuity funds are administered under the Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. §§ 1001-1461 (2012). Information

disclosure obligations are laid out generally in § 1024(b)(4), which requires that the administrator “shall, upon written request of any participant or beneficiary, furnish a copy of the latest updated summary [and] plan description . . . under which the plan is established or operated.”

There is no dispute the Fund satisfied its obligation under § 1024(b)(4) by providing Mr. Cucinotta “a complete and entire copy and full disclosure of the actual plan document which governs the pension, health and annuity funds.” Mr. Cucinotta has submitted no evidence at all to counter this fact.

Therefore, this Court GRANTS Defendants’ Motion for Summary Judgment. (ECF No. 16.) Judgment shall enter for the Defendants.

Mr. Cucinotta also filed a Motion to Disqualify the Defendants’ attorney. (ECF No. 17.) Because he has failed to state any basis requiring such disqualification, this Court DENIES the Motion to Disqualify.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "John J. McConnell, Jr.", with a long horizontal line extending to the left.

John J. McConnell, Jr.
United States District Judge
July 11, 2014